IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 30611 of 2006(T)

PETITIONER:

NIXON N.C.,
NERAPARAMBAN HOUSE, KALLETTUMKARA P.O.,
TRICHUR - 680 683.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM

RESPONDENTS:

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1. REGISTRAR OF CO-OPERATIVE SOCIETIES,
TRIVANDRUM.

2. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF CO-OPERATION,
SECRETARIAT, TRIVANDRUM.

3. KALLETTUMKARA SERVICE CO-OPERATIVE
BANK LTD. NO.141, REPRESENTED BY SECRETARY,
KALLETTUMKARA - 680 683, TRICHUR DISTRICT.

BY GOVERNMENT PLEADER P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 30611/2006

Dated this 21st day of November, 2006

JUDGMENT

The grievance of the writ petitioner is that the petitioner was ranked seventh in the rank list, published by the third respondent, Kallettumkara Service Co-operative Bank Ltd., 141, Trichur District. However, the petitioner now alleges that without making the appointment of the writ petitioner, one attender of the third respondent, bank, by name Dinesh, had been resolved to be appointed as the junior clerk in the bank, thereby denying the opportunity of appointment to the writ petitioner in the third respondent, bank.

2. The writ petitioner challenges the resolution passed by the third respondent and filed Ext.P1 representation before the first respondent, Registrar of Co-operative Societies, Thiruvananthapuram, under Rule 176 of the Kerala Co-operative Societies Rules, in short 'the Rules'. The same is pending.

3. When the writ petition came up for consideration, the learned Senior Government Pleader submitted that as per notification No.255/69/AD dated 28.6.1999 published in Kerala Gazette No.27 dated 8.7.1969, all powers of Registrar under the Act, had been conferred and delegated to the Joint Registrar, Trichur, under 3(2) of the Kerala Co-operative Societies Act, 1969, in short 'the Act'. Therefore, the Government Pleader submitted that the petitioner may prefer a fresh application before the Joint Registrar of the Co-operative Societies, Trichur.

4. Without entering into any discussion on merit, I direct the writ petitioner to file a representation before the Joint Registrar of the Co-operative Societies, Trichur, within one week from today, and immediately on receipt of the said representation, the Joint Registrar of Co-operative Societies shall hear all concerned including Dinesh, as per the procedure, and pass appropriate orders, according to the Act and Rules.

5. The appointment of Dinesh as junior Clerk to the third respondent, bank, shall be subject to the

decision of the Joint Registrar on the representation of the writ petitioner.

6. It is the apprehension of the writ petitioner that the existing post of peon, that arose consequent on the appointment of Dinesh as junior clerk, would be filled up by the third respondent, bank, and if that is done, the prayer of the writ petitioner to appoint him in the post of junior clerk and revert the present incumbent, Dinesh, to his original post of peon, would become infructuous. Therefore, prayed that the existing post of peon may not be allowed to be filled up.

7. Therefore, I direct the third respondent, bank, not to fill up the existing vacancy of peon(s), till the Joint Registrar of Co-operative Society, Trichur, takes a final decision on the representation of the writ petitioner.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs